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John

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/003,221   | 11/15/2001  | Kevin A. Simms       | 01-EDP-258          | 5018             |
| 7590   | 12/10/2003  |                      | EXAMINER            |                  |
| Martin J. Moran<br>Cutler-Hammer Products<br>Technology & Quality Center<br>170 Industry Dr., RIDC Park West<br>Pittsburgh, PA 15275 |             |                      | DONOVAN, LINCOLN D  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2832                |                  |
| DATE MAILED: 12/10/2003  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/003,221             | SIMMS ET AL.        |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Lincoln Donovan        | 2832                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 September 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) Claim(s) 22 is/are allowed.
- 6) Claim(s) 14 and 17-20 is/are rejected.
- 7) Claim(s) 15, 16 and 21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Election/Restrictions***

Claims 1-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claimed invention, there being no allowable generic or linking claim. Election was made **without** traverse in the response filed 09-08-03.

### ***Specification***

The disclosure is objected to because of the following informalities: applicant must provide serial numbers and filing dates of related applications. All references to attorney docket numbers must be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMillan et al. [US 6,570,269] in view of Eliezer [US 4,791,255].

Regarding claim 1, McMillan et al. disclose a remotely controllable transfer switch comprising:

- a circuit breaker housing [12];
- first and second line terminals [14, 16];

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- a load terminal [26];
- separable contacts [120, 122] electrically connected to the first line terminal;
- a transfer arm [44] electrically connected to the load terminal and adapted to

pivot between a first position in which the transfer arm is electrically connected to the separable contacts and a second position in which the transfer arm is electrically connected to the second line terminal [figure 3];

- a solenoid [50] having a plunger [52] engaging the transfer arm; - a control circuit for the solenoid to energize/deenergize the solenoid in response to a control signal; and
- an operating mechanism [92] for opening and closing the separable contacts.

McMillan et al. disclose the instant claimed invention except for the solenoid actuator including a plurality of coils.

Eliezer disclose a transfer switch having a transfer arm [21] activated by a plurality of solenoids [69, 71].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use plural solenoids for the solenoid of McMillan et al., as suggested by Eliezer, for the purpose of ensuring the power transfer.

Regarding claims 17-20 , McMillan et al. discloses the transfer arm being pivotally mounted within the housing and engaged by the plunger at a central point thereof.

***Allowable Subject Matter***

Claims 15-16, 19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 22 is allowed.

***Conclusion***

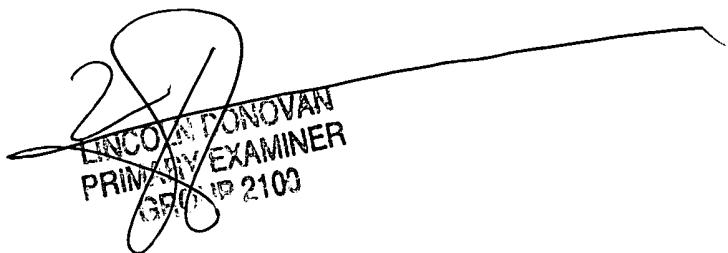
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshida et al. [US 6,538,223].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 703 308-3111. The examiner can normally be reached on M-F 8:30-5:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-305-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1920.

Idd  
11/28/03



A handwritten signature in black ink. The signature reads "LINCOLN DONOVAN" at the top, followed by "PRIMARY EXAMINER" in the middle, and "GPO 2103" at the bottom. The signature is written in a cursive style with some loops and variations in letter height.